

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>MITCHELL HICKS,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 09-00452-KD-B</b>
<b>RENETTA CHAPMAN, <i>et al.</i>,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation that this action be dismissed for failure of plaintiff Mitchell Hicks to submit his motion to proceed without prepayment of fees and costs and his complaint on the Court's required forms (doc. 10). Plaintiff filed an objection in which he states that he has not received any orders from the Magistrate Judge or any forms from the Court.<sup>1</sup> Plaintiff also claims that he previously submitted his complaint and motion to proceed without prepayment of fees on the required court form (doc. 11). After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action be and is hereby **DISMISSED<sup>2</sup> without prejudice** for failure to prosecute and to obey the Court's Orders.

**DONE** this March 12, 2010.

**s/ Kristi K. DuBose**  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> This allegation is obviously inconsistent with his claim that he previously filed the court forms sent to him in conjunction with the July 27, 2009 order.

<sup>2</sup> The Clerk is directed to again mail the Court's required forms for a complaint and motion to proceed without prepayment of fees and costs when mailing this order to the plaintiff.